1 2 3	DEVIN DERHAM-BURK #104353 CHAPTER 13 STANDING TRUSTEE P O Box 50013 San Jose, CA 95150-0013	
4	Telephone: (408) 354-4413 Facsimile: (408) 354-5513	
5	Trustee for Debtor(s)	
6		
7		
8 9	UNITED STATES BANKRUPTCY COURT NORTHERN DISTRICT OF CALIFORNIA - DIVISION 5	
10	In re:	Chapter 13
11	III IC.	Case No. 19-51759 SLJ
12	JASON MATTHEW CLAUSING) FIRST AMENDED TRUSTEE'S OBJECTION) TO CONFIRMATION WITH CERTIFICATE
13	JASON WATTHEW CLAUSING	OF SERVICE OF SERVICE OF SERVICE
14		Confirmation Date: N/A – Trustee's Pending List
15		Judge: Stephen L. Johnson
16	Debtor(s)	
17	Debtol(8)	
18		
19	Devin Derham-Burk, Trustee in the above matter, objects to the Confirmation of this Plan for the	
20	following reasons:	
21		
22	4 77 4	1 0 1005() (A) 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
23	1. The plan is in violation of 11 U.S.C. § 1325(a)(4), in that creditors would receive more	
24	under Chapter 7 liquidation. There is excess equity in the Debtor's real or personal	
25	property in the amount of 2,937.70. The following language must be added to Section 7	
26	"Notwithstanding Section 3.14, general unsecured creditors shall receive no less than	
27		
28	\$2,937.70."	

 $Trustee's\ Obj\ to\ Confirmation-19\text{-}51759\ SLJ$

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- 2. The Trustee is unable to determine if the Plan is in compliance with the liquidation test 11 U.S.C. § 1325(a)(4). The Debtor has listed a 1996 Dodge Pickup on Schedule A/B with a current value of \$1,232.00. The Debtor provided a Kelly Blue Book printout stating that the fair market value is \$1,895.00. The Trustee requests the Debtor file an amended Schedule A/B to list the accurate value.
- 3. The Trustee is unable to determine if the Plan is in compliance with the liquidation test 11 U.S.C. § 1325(a)(4). The Debtor has listed a 2002 Toyota Highlander on Schedule A/B with a current value of \$1,564.00. The Debtor provided a Kelly Blue Book printout stating that the fair market value is \$2,076.00. The Trustee requests the Debtor file an amended Schedule A/B to list the accurate value.
- 4. The Trustee cannot determine whether the plan is feasible under 11 U.S.C. § 1325(a)(6). Pursuant to the Debtor's testimony at the Meeting of Creditors held October 16, 2019 he has new employment. The Trustee requests the Debtor amend Schedule I to list his new employer information and his current income.
- 5. The Trustee cannot determine whether the plan is feasible under 11 U.S.C. § 1325(a)(6). Pursuant to the Debtor's testimony at the Meeting of Creditors held October 16, 2019 he has new employment. The Trustee requests the Debtor provide all pay advices received from his new employer.
- 6. The Trustee is unable to determine whether the liquidation test met pursuant to 11 U.S.C. \$1325(a)(4) because of the \$0.00 value of the claim against Robert McCracken listed on Line 34 of Schedule A/B. In order to assist the Trustee in monitoring the value of this possible asset, the Trustee requests that the Debtor include the following language in an Additional Provision:

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"The Debtor shall provide the Trustee with a yearly declaration signed under penalty of perjury, starting with July 2020 which states the status of the claim against Robert McCracken. It shall also state whether the Debtor has received any money; if so, how much received and when received and if any further money expected." Dated: January 17, 2020 /S/ Devin Derham-Burk Chapter 13 Trustee

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Trustee's Obj to Confirmation - 19-51759 SLJ

CERTIFICATE OF SERVICE BY MAIL

business address is 983 University Ave., Bldg. C-100, Los Gatos, CA 95032. I served the within

Objection to Confirmation, by placing same in an envelope in the U.S. Mail at Los Gatos,

California on January 17, 2020. Said envelopes were addressed as follows:

JASON MATTHEW CLAUSING

PO BOX 1491

FELTON, CA 95018

I hereby declare that I am over the age of 18 years, not a party to the within cause; my

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LAW OFFICES OF AARON LIPTON 7960 B SOQUEL DR #156 APTOS, CA 95003

/S/ Clotilde Costa

Office of Devin Derham-Burk, Trustee

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